

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Con.Case(C).No. 635 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.34007/2006 Dated 20/12/2006

PETITIONER/PETITIONER IN WPC NO.34007/2006

BABY AMMAL, D/O. KRISHNAN CHETTIYAR,
AGED 33 YEARS, RESIDING AT 'AJESH BHAVAN',
KOCHANAKALLUVILA, AYILAMOODU P.O.,
PANGODU VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADVS. M/S.AYYAPPAN SANKAR AND S.SUDHEER

RESPONDENTS: 4TH RESPONDENT IN WPC NO.34007/2006

V.REJIKUMAR,
SUB INSPECTOR OF POLICE, PANGODU POLICE STATION,
THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

H.L.DATTU, C.J. & K.T. SANKARAN, J.

Contempt Case (Civil) NO.635 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

H.L.DATTU, C.J.

The complainant before us, in this petition filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India is requesting us to initiate contempt proceedings against the respondent for deliberate disobedience of the orders and directions issued by this Court in W.P.(C) No.34007 of 2006 dated 20th December 2006.

2. The complainant was before this Court in W.P.(C) No.34007 of 2006. In that she sought for police protection to her life and other actions against the fifth respondent. This Court, by its judgment dated 20th December 2006 was pleased to dispose of the Writ Petition and observed as under:

“This is a petition for police protection. We are not going into the merits of the property disputes between the petitioner and fifth respondent in a petition under article 226 of the Constitution of India. Petitioner can avail the remedies under the Code of Civil Procedure. It is submitted that a crime is already registered against the fifth respondent. The crime should be investigated according to law. Police to see that law and order is maintained and lives of the parties are not endangered.”

3. Learned counsel appearing for the petitioner would submit that the respondent has deliberately and wilfully disobeyed the orders and directions issued by this Court.

4. We have carefully perused the orders passed by this Court. This court while disposing of the Writ Petition has only observed that police will take care of the lives of the parties. The allegation is that in spite of the orders passed by this Court, the police authorities have not protected the lives of the petitioner and others and, therefore, appropriate proceedings requires to be taken against the police authority.

5. In our opinion, the orders passed by this court have to be complied with by the police authorities. But, if an order is passed and the same is impossible of performance, it cannot be said that the respondent has disobeyed the orders and directions issued by this Court. In that view of the matter, the Contempt Petition requires to be rejected and accordingly it is rejected. Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/